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(confirmation by courier)

Our ref.: KI77ZP3860

Your ref.: PCT/PL2004/000064

Warszawa, 28 December 2004

Re: Amended claims under Article 19(1) PCT of the international patent application
PCT/PL2004/000064 in the name of KRYSZTOF, Andrzej

Dear Sirs,

In relation to the International Search Report that was sent to the Applicant on 02 November 2004, we transfer herewith a set of patent claims amended under Article 19(1) of the Patent Cooperation Treaty and Statement under Article 19(1).

The claims 1 to 20 replace the originally filed claims 1 to 20.

There are following differences between the claims as originally amendments in the originally filed and the claims as amended under Article 19(1) of the PCT:

The amended claims 1, 8, 14 and 18 encompass the features of the originally filed claims 1, 8, 14 and 18 and the features depicted in the description and in the drawings.

The claim 14 has been also amended taking into account the disclosure of the patent document US 5747752 (D1) cited in the International Search Report. In particular, the common feature of the document D1 and the present invention that a stethoscope comprises a head and a chestpiece (in the present application: diaphragm cap) removably attached to said head by cooperating means

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formed in said head and in said chestpiece has been described in the pre-characterising part of claim 14.

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Moreover, all claims from 1 to 20 have been reworded to make them clearer (e.g. term "diaphragm cap" replaces the original term "diaphragm portion").

The International Bureau of WIPO is hereby requested to include this set of 20 claims amended under Article 19(1) with accompanied Cover letter and Statement under Article 19(1) to the documentation of the above mentioned international application PCT/PL2004/000064 in the course of the international PCT procedure and to publish the amended claims and the statement in the international publication.

Yours faithfully,


Anna Słominska-Dziubek
Patent Attorney

Encl.:

- Statement under Article 19(1) – 1 Page
- The set of claims amended under Article 19(1) – 4 pages



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**INTERNATIONAL PRELIMINARY EXAMINING
AUTHORITY
European Patent Office
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Our ref.: KI77ZP3860

Your ref.:

Warszawa, 03 March 2005

Re.: International Patent Application No **PCT/PL2004/000064**; Applicant: KRYSZTOF, Andrzej

Dear Sirs,

This is a reply to the Written Opinion of the International Searching Authority of 2 November, 2004, being, under Rule 43bis (c) PCT Regulations, the first Written Opinion of the International Preliminary Examination Authority.

In response to the objections under item III (points 1 through 2.4), on 28 December, 2004 new claims 1 to 20 were filed under Article 19(1) of the PCT to replace originally filed claims 1 to 20 and herewith the next claims amended under Art. 34 of The PCT are enclosed.

All independent claims have been maintained in the application.

The Applicant explains the following:

The main object of the invention is to provide a medical stethoscope head, a structure of which allows easy, distinct and widest possible personalization of the head in relation to other medical stethoscope heads according to individual user's preferences, also at retail or wholesale point or by a user, with simple and easy available tools. Such personalization, by which an appearance of the stethoscope head could be easy changeable, makes possible identification of the stethoscope by its user, even among many stethoscopes having stethoscope head of the same type, produced in series by the same manufacturer. The possible easy replacement of the distinguishing elements on the stethoscope head allows the user changing the appearance of the stethoscope head in any

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time when she/he wishes, without any help from a service point.

The object of the invention is achieved by placing distinguishing means for personalization and identification on a diaphragm cup (former name: diaphragm portion) and it is carried out in two ways:

1. By placing a specially designed, personalizing-identifying ring provided with a distinguishing means on the upper surface of the diaphragm portion of the stethoscope head;
2. By providing distinguishing means directly on the upper surface of the diaphragm cup of the stethoscope head wherein the diaphragm cup being exchangeable.

Thus, there are two embodiments of the medical stethoscope head (independent claims 1 and 14) each provided with different means for personalizing and identifying of the stethoscope head.

- Independent claim 1 describes a medical stethoscope head having a diaphragm cup permanently fixed to a body of the head and provided with at least one exchangeable ring for personalizing and identifying a stethoscope. The ring is placed on the upper surface of the stethoscope head.
- Independent claim 8 relates only to a personalizing-identifying ring particularly adopted for personalizing and identifying of the medical stethoscope head according to claim 1.
- Independent claim 14 describes a medical stethoscope head, which comprises a diaphragm cup provided with means for personalizing-identifying a medical stethoscope head. The means are placed directly on the upper surface of the diaphragm cup. The diaphragm cup is removably secured to a body of the head such that it is possible to replace it to change the appearance of the head.
- Independent claim 18 relates only to an exchangeable diaphragm cup for identifying and personalizing the medical stethoscope head according to claim 14.

Thus each of claims 1,8,14,18 relates to a different subject matter.

The common feature of the all embodiments is that when such exchanging the personalizing-identifying ring or the diaphragm cup takes place the distinguishing means formed on their upper surfaces are always placed in exactly preset position in relation to an axis of an inlet pipe of the stethoscope head. Thus, the distinguishing means are always placed exactly according to predetermined personalization design of the stethoscope head and there is no risk that the distinguishing means, e.g. signs or letters, are situated under the inlet pipe and invisible for the user. To this end a specially arranged cooperating positioning means (members and elements) are provided on the personalizing-identifying ring and the diaphragm cup (claim 1) or on the diaphragm cup and a body of the stethoscope head (claim 14).

In order to make the subject matter of the invention more clear, claims were reworded to describe the geometrical characteristic of the personalizing-identifying ring and positional relationship between the ring and the diaphragm cup, as well as to eliminate lack of antecedents. All amendments are supported by the originally filed description and drawings.

The Applicant agrees with the Examiner that document D1 (US 5,747,752) is relevant to the present application, but exclusively regarding to some extent a stethoscope head presented in claim 14 and a diaphragm cup presented in claim 18. Claim 1 describes a stethoscope head in which a diaphragm cup needn't be easily exchangeable. So,

The stethoscope head of D1 and of the present invention (claim 14) comprise a removable and diaphragm cups. In the both cases the diaphragm cups and bodies of the heads are provided with cooperating means for removable attaching said diaphragm cup to said head.

The object of the solution according D1 is to allow the physician to remove and dispose of the diaphragm cups after each use to eliminate a time consuming process of sterilization. Thus, the diaphragm cup should be manufacturing easy and at low costs.

As the solution of D1 solves a quite different problem, there is no suggestion in the document that the diaphragm cup should be provided with means for personalizing and identifying, which makes the appearance of the whole stethoscope head different from other stethoscope heads of the same type. There is no suggestion either that the diaphragm cup should comprise positioning member or unit which, in cooperation with means of the head body, allows to place the diaphragm cup always in the same defined (preset) angular position in relation to an axis of the inlet pipe of the head. This latter feature of the exchangeable stethoscope head and the diaphragm cup of the present invention is very important because it makes possible to place the distinguishing means (a former name: identifying-personalizing means) such as signs, decorative elements, etc., in the stethoscope head always in the same angular position in relation to the axis of the head pipe.

Taking into account the above comparison, the features of the present invention known from D1 have been moved to the preambles of amended claim 14 and 18, respectively, filed on.

The Applicant submits that D1 cannot be an obstacle for recognition of novelty and inventive step of the inventions as defined in amended claims 14 and 18.

To make the invention more clear, some previous awkward names have been replaced by new ones in the whole description and claims. We list the replacements in the enclosed sheet. Moreover, in order to overcome the Examiner's objections we have amended the description from

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the purely linguistic point of view. Enclosed please find pages 1-14 of the description for replacement pages 1-15 of the description as filed.

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Claims 1-20 filed under Art. 19 (1) on 28 December, 2004 have been also amended to change the used names in line with the description. Enclosed please find new claims 1-20 for replacement claims 1-20 of 28 December, 2004.

According to the suggestion of the Examiner the title of the invention has been changed and reads: "A stethoscope head with distinguishing means for personalization and identification thereof"

It is very important to the Applicant to receive a fully favorable Preliminary Examination Report. Therefore, the Applicant respectfully requests for an additional opportunity for submitting amendments or arguments according to Rule 66.4 (b) PCT if the Examiner does not deem it possible to issue a fully favorable Preliminary Examination Report.

Favorable consideration is respectfully requested,

Yours faithfully,



Anna Słominska-Dziubek

Patent Attorney

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Encl.:

List of changed identifying numbers

Amended sheets of the description – pages 1-13

Amended sheets of the claims - pages 14-17

List of Changed Identifying Numbers

	Former	Present
4	Diaphragm portion	Diaphragm cup
11	An identifying-personalizing ring	A personalizing-identifying ring
14	Identifying-personalizing means	Distinguishing means
16	Locating element	Positioning member
20	Locating-connecting unit	Positioning-connecting unit
21	Joining element	Joining member
22	Locating element	Positioning member